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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्यक्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किए गए साधारण आदेश और अधिसूचनाएं
Orders and Notifications issued by the Central Authorities (Other than the Administrations of Union Territories)

भारत निर्वाचन आयोग सचिवालय

अधिसूचना

नई दिल्ली, 1 अक्टूबर, 2024

आ.अ. 105.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13-क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग चण्डीगढ़ संघ राज्य क्षेत्र के प्रशासन के परामर्श से एतद्वारा, सुश्री अनिदिता मित्रा, आई.ए.एस के स्थान पर श्री मनदीप सिंह बरार, आई.ए.एस. (एच.आर.:2005) को उनके कार्यभार ग्रहण करने की तारीख से आगामी आदेशों तक के लिए चण्डीगढ़ संघ राज्य क्षेत्र के मुख्य निर्वाचन अधिकारी के रूप में नामित करता है।

[फा. सं. 154/CH/2024-P.Admn]

आदेश से,

राहुल शर्मा, प्रधान सचिव

**SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA
NOTIFICATION**

New Delhi, the 1st October, 2024

O.N. 105.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India in consultation with the Administration of the Union Territory of Chandigarh hereby designates Sh. Mandip Singh Brar, IAS (HR:2005) as the Chief Electoral Officer for the Union Territory of Chandigarh with effect from the date he takes over charge and until further orders in place of Ms. Anindita Mitra IAS.

[F. No. 154/CH/2024-P.Admn.]

By Order,

RAHUL SHARMA, Principal Secy.

अधिसूचना

नई दिल्ली, 24 अक्टूबर, 2024

आ.अ. 106.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13-क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग केरल राज्य सरकार के परामर्श से एतद्वारा, श्री संजय एम. कौल, आई.ए.एस. के स्थान पर श्री प्रणबज्योति नाथ, आई.ए.एस. (के.एल.:2005) को उनके कार्य भार ग्रहण करने की तारीख से आगामी आदेशों तक के लिए केरल राज्य के मुख्य निर्वाचन अधिकारी के रूप में नामित करता है।

2. श्री प्रणबज्योति नाथ, केरल सरकार के अधीन सभी पद भार या किसी कार्य के पदभारों को तत्काल सौंप देंगे या धारण करना समाप्त कर देंगे, जो कि वे ऐसा पद भार ग्रहण करने से पहले धारण कर रहे थे।

3. श्री प्रणबज्योति नाथ, मुख्य निर्वाचन अधिकारी, केरल के रूप में कार्य करते हुए केरल सरकार के अधीन किसी भी प्रकार का कोई अतिरिक्त कार्यभार ग्रहण नहीं करेंगे सिवाय इसके कि उनको राज्य सचिवालय में निर्वाचन विभाग के प्रभारी, सरकार के सचिव पदाभिहित किया जाएगा।

[फा. सं. 154/KL/2024-P.Admn.]

आदेश से,

राहुल शर्मा, प्रधान सचिव

NOTIFICATION

New Delhi, the 24th October, 2024

O.N. 106.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India in consultation with the Government of Kerala hereby designates Shri Pranabjyoti Nath, IAS (KL:2005) as the Chief Electoral Officer for the State of Kerala with effect from the date he takes over charge and until further orders in place of Sh. Sanjay M. Kaul, IAS.

2. Shri Pranabjyoti Nath shall cease to hold and hand over forthwith the charge of all or any charges of work under the Government of Kerala, which he may be holding before such assumption of office.

3. Shri Pranabjyoti Nath while functioning as the Chief Electoral Officer, Kerala shall not hold any additional charge whatsoever under the Government of Kerala except that he should be designated Secretary to the Government in charge of Election Department in the State Secretariat.

[F. No. 154/KL/2024-P.Admn.]

By Order,

RAHUL SHARMA, Principal Secy.

अधिसूचना

नई दिल्ली, 1 नवम्बर, 2024

आ.अ. 107.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13-क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग त्रिपुरा राज्य सरकार के परामर्श से एतद्वारा, श्री पुनीत अग्रवाल, आई.ए.एस. के स्थान पर श्री ब्रजेश पान्डेय, आई.ए.एस. (टी.आर.:2004), को उनके कार्यभार ग्रहण करने की तारीख से आगामी आदेशों तक के लिए त्रिपुरा राज्य के मुख्य निर्वाचन अधिकारी के रूप में नामित करता है।

2. श्री ब्रजेश पान्डेय, त्रिपुरा सरकार के अधीन सभी पदभार या किसी कार्य के पदभारों को तत्काल सौंप देंगे या धारण करना समाप्त कर देंगे, जो कि वे ऐसा पदभार ग्रहण करने से पहले धारण कर रहे थे।

3. श्री ब्रजेश पान्डेय, मुख्य निर्वाचन अधिकारी, त्रिपुरा के रूप में कार्य करते हुए त्रिपुरा सरकार के अधीन किसी भी प्रकार का कोई अतिरिक्त कार्यभार ग्रहण नहीं करेंगे सिवाय इसके कि उनको राज्य सचिवालय में निर्वाचन विभाग के प्रभारी, सरकार के सचिव पदाभिहित किया जाएगा।

[फा. सं. 154/TP/2024-P.Admn.]

आदेश से,

आशुतोष एम, अवर सचिव

NOTIFICATION

New Delhi, the 1st November, 2024

O.N. 107.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India in consultation with the Government of Tripura hereby designates Shri Brijesh Pandey, IAS, (TR:2004) as the Chief Electoral Officer for the State of Tripura with effect from the date he takes over charge and until further orders in place of Shri Puneet Agarwal, IAS.

2. Shri Brijesh Pandey shall cease to hold and hand over forthwith the charge of all or any charges of work under the Government of Tripura, which he may be holding before such assumption of office.

3. Shri Brijesh Pandey while functioning as the Chief Electoral Officer, Tripura shall not hold any additional charge whatsoever under the Government of Tripura except that he should be designated Secretary to the Government in charge of Election Department in the State Secretariat.

[F. No. 154/TP/2024-P.Admn.]

By Order,

ASHUTHOSH M, Under Secy.

अधिसूचना

नई दिल्ली, 8 नवम्बर, 2024

आ.अ. 108.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13-क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग तमिलनाडु राज्य सरकार के परामर्श से एतद्वारा, श्री सत्यव्रत साहू, आई.ए.एस. के स्थान पर सुश्री अर्चना पटनायक, आई.ए.एस. (टी.एन.:2002), को उनके कार्यभार ग्रहण करने की तारीख से आगामी आदेशों तक के लिए तमिलनाडु राज्य के मुख्य निर्वाचन अधिकारी के रूप में नामित करता है।

2. सुश्री अर्चना पटनायक, तमिलनाडु सरकार के अधीन सभी पदभार या किसी कार्य के पदभारों को तत्काल सौंप देंगी या धारण करना समाप्त कर देंगी, जो कि वे ऐसा पदभार ग्रहण करने से पहले धारण कर रही थी।

3. सुश्री अर्चना पटनायक, मुख्य निर्वाचन अधिकारी, तमिलनाडु के रूप में कार्य करते हुए तमिलनाडु सरकार के अधीन किसी भी प्रकार का कोई अतिरिक्त कार्यभार ग्रहण नहीं करेंगी सिवाय इसके कि उनको राज्य सचिवालय में निर्वाचन विभाग के प्रभारी, सरकार के सचिव पदाभिहित किया जाएगा।

[फा. सं. 154/TN/2024-P.Admn.]

आदेश से,

राहुल शर्मा, प्रधान सचिव

NOTIFICATION

New Delhi, the 8th November, 2024

O.N. 108.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India in consultation with the Government of Tamil Nadu hereby designates Ms. Archana Patnaik, IAS (TN:2002) as the Chief Electoral Officer for the State of Tamil Nadu with effect from the date she takes over charge and until further orders in place of Shri Satyabrata Sahoo, IAS.

2. Ms. Archana Patnaik shall cease to hold and hand over forthwith the charge of all or any charges of work under the Government of Tamil Nadu, which she may be holding before such assumption of office.

3. Ms. Archana Patnaik while functioning as the Chief Electoral Officer, Tamil Nadu shall not hold any additional charge whatsoever under the Government of Tamil Nadu except that she should be designated Secretary to the Government in charge of Election Department in the State Secretariat.

[F. No. 154/TN/2024-P.Admn]

By Order,

RAHUL SHARMA, Principal Secy.

भारत निर्वाचन आयोग**अधिसूचना**

नई दिल्ली, 24 दिसम्बर, 2024

आ.अ. 109.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग वर्ष 2024 की निर्वाचन याचिका संख्या 12 में माननीय उच्च न्यायालय, इलाहाबाद के दिनांक 18 अक्तूबर, 2024 के निर्णय को एतद्वारा प्रकाशित करता है।

(संलग्न निर्णय यहाँ छापें)

[फा. सं. 82/उ0प्र0-लो0स0/12/2024(इला.)]

आदेश से,

पवन दीवान, सचिव

ELECTION COMMISSION OF INDIA**NOTIFICATION**

New Delhi, the 24th December, 2024

O.N. 109.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgement dated 18th October, 2024 of the Hon'ble High Court of Judicature at Allahabad in Election Petition No. 12 of 2024.

(HERE PRINT THE JUDGEMENT ATTACHED)

[F. No. 82/UP-HP/12/2024(Alld.)]

By Order,

PAWAN DIWAN, Secy.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**ELECTION PETITION NO. 12 OF 2024**

(Section 80, 80A & 81 of the Representative of the People Act, 1951)

DISTRICT - VARANASI

Vijay Nandan Son of Shri Baisakhulal Nandan,
Resident of Ladaiya Mohalla, Tilak Ward No. 18,
District Seoni, M.P.

... .. Petitioner

VERSUS

1. Chief Election Commissioner, Election Commission of India, Nirvachan Sadan,
Ashoka Road, New Delhi 110001.
2. Chief Electoral Officer & Principal Secretary, Election Department, Uttar
Pradesh IVth Floor, Vikas Bhawan, Hazratganj, Lucknow, Uttar Pradesh.
3. Returning Officer/District Election Officer Varanasi Lok Sabha
Constituency, Varanasi, Uttar Pradesh.
4. Shri Narendra Modi S/o. Shri Damodardas Modi
(Nominated from Varanasi Lok Sabha Constituency)
Hon'ble Prime Minister
Prime Minister's Office, South Block, Raisina Hill, New Delhi-110011

... .. Respondents

Neutral Citation No. - 2024:AHC:166524

Court No. - 39

Case :- ELECTION PETITION No. - 12 of 2024

Petitioner :- Vijay Nandan**Respondent :-** Chief Election Commissioner, Election Commission Of India And 3 Others**Counsel for Petitioner :-** In Person**Hon'ble Saumitra Dayal Singh,J.**

1. Heard the election petitioner.
2. Shri Ashutosh Mishra has raised a preliminary objection as to the impleadment of the Election Commission of India as party respondent. However, in view of the order proposed to be passed, that preliminary objection is not being dealt with together.
3. Present petition has been first presented in accordance with the provision of Representation of the People Act, 1951 on 07.08.2024. It has been reported beyond time by 19 days. In **Election Petition No. 01 of 2024 (Jay Prakash and another v. Anjula Singh Mahaur and another)**, **Neutral Citation No.- 2024:AHC:47288**, I had the occasion to consider the issue of maintainability of delay condonation application. In that proceeding, it was observed as below :

"13. Having heard learned counsel for the election-petitioners and the learned Amicus Curiae, it is beyond any doubt- the period of limitation prescribed under the Act is rigid. It is also undoubted, the present proceedings are original in nature arising by way of statutory proceedings under the Act. Therefore, on first principle itself, condonation of delay may never be permissible de hors the provisions of the Act. Then, while limitation to file an Election Petition is prescribed under Section 81 of the Act, section 86(1) of the Act reads as below:

"[86. Trial of election petitions.- (1) The High Court shall dismiss an election

petition which does not comply with the provisions of section 81 or section 82 or section 117.

Explanation.- An order of the High Court dismissing an election petition dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of section 98."

14. Therefore, the consequence of non-compliance of Section 81 of the Act is prescribed. It is unequivocal. An Election Petition that does not comply with Section 81 of the Act may only invite a singular outcome/result. That has to be dismissal.

15. In K. Venkateswara Rao and another Vs. Bekkam Narsimha Reddi and others AIR 1969 SC 872, it was observed as under:

"12. It is well settled that amendments to a petition in a civil proceeding and the addition of parties to such a proceeding are generally possible subject to the law of limitation. But an election petition stands on a different footing. The trial of such a petition and the powers of the court in respect thereof are all circumscribed by the Act. The Indian Limitation Act of 1963 is an Act to consolidate and amend the law of limitation of suits and other

proceedings and for purposes connected therewith. The provisions of this Act will apply to all civil proceedings and some special criminal proceedings which can be taken in a court of law unless the application thereof has been excluded by any enactment: the extent of such application is governed by Section 29(2) of the Limitation Act. In our opinion however the Limitation Act cannot apply to proceedings like an election petition inasmuch as the Representation of the People Act is a complete and self-contained code which does not admit of the introduction of the principles or the provisions of law contained in the Indian Limitation Act."

(emphasis supplied)

17. *It was argued that if a petition were to be thrown out merely because a necessary party had not been joined within the period of 45 days no enquiry into the corrupt practices alleged to have been committed at certain elections would be possible. This is however a matter which can be set right only by the*

Legislature. It is worthy of note that although the Act has been amended on several occasions, a provision like Section 86(1) as it now stands has always been on the statute book but whereas in the Act of 1951 the discretion was given to the Election Commission to entertain a petition beyond the period fixed if it was satisfied as to the cause for delay no such saving clause is to be found now. The legislature in its wisdom has made the observance of certain formalities and provisions obligatory and failure in that respect can only be visited with a dismissal of the petition.

(emphasis supplied)

18. *It is to be noted however that even though the Indian Limitation Act, 1963 does not apply to an election petition provisions like Sections 9 and 10 of the General Clauses Act, 1897 providing for computation of time which are in pari materia with Sections 12(1) and 4 of the Limitation Act would apply to such a petition."*

16. *Any doubt with respect to applicability of Section 4 to 24 of the Limitation Act to Election Petition proceedings also stands removed by the subsequent decision of the Supreme Court in **Hukumdev Narayan Yadav Vs. Lalit Narain Misra AIR 1974 SC 480**, wherein it was observed as below:*

"17. Though Section 29(2) of the Limitation Act has been made applicable to appeals both under the Act as well as under the Code of Criminal Procedure, no case has been brought to our notice where Section 29(2) has been made applicable to an election petition filed under Section 81 of the Act by virtue of which either Sections 4, 5 or 12 of the Limitation Act has been attracted. Even assuming that where a period of limitation has not been fixed for election petitions in the Schedule to the Limitation Act which is different from that fixed under Section 81 of the Act, Section 29 (2) would be attracted, and what we have to determine is whether the provisions of this Section are expressly excluded in the case of an election petition. It is contended before us that the words "expressly excluded" would mean that there must be an express reference made in the special or local law to the specific provisions of the Limitation Act of which the operation is to be excluded. As usual the meaning given in the Dictionary has been relied upon, but what we have to see is whether the scheme of the special law, that is in this case the Act, and the nature of the remedy provided therein are such that the Legislature intended it to be a complete code by itself which alone should govern the several matters provided by it. If on an examination of the relevant provisions it is clear that the provisions of the Limitation Act are necessarily excluded, then the benefits conferred therein cannot be called in aid to supplement the provisions of the Act. In our view, even in a case where the special law does not exclude the provisions of Sections 4 to 24 of the Limitation Act by an express reference, it would nonetheless be open to the Court to examine whether and to what extent the nature of those provisions or the nature of the subject-matter and scheme of the special law exclude their operation. The provisions of Section 3 of the Limitation Act that a suit instituted, appeal preferred and application made after the prescribed period shall be dismissed are provided for in Section 86 of the Act which gives a peremptory command that the High Court shall dismiss an election petition which does not comply with the provisions of Sections 81, 82 or 117. It will be seen that Section 81 is not the only Section mentioned in Section 86, and if the Limitation Act were to apply to an election petition under Section 81 it should equally apply to Sections 82 and 117 because under Section 86 the High Court cannot say that by an application of Section 5 of the Limitation Act, Section 81 is complied with while no such benefit is available in dismissing an application for non-compliance with the provisions of Sections 82 and 117 of the Act, or alternatively if the provisions of the Limitation Act do not apply to Section 82 and Section 117 of the Act, it cannot be said that they apply to Section 81. Again Section 6 of the Limitation Act which provides for the extension of the period of limitation till after the disability in the case of a person who is either a minor or insane or an idiot is inapplicable to an election petition. Similarly, Sections 7 to 24 are in terms inapplicable to the proceedings under the Act, particularly in respect of the filing of election petitions and their trial.

18. It was sought to be contended that only those provisions of the Limitation Act which are applicable to the nature of the proceedings under the Act, unless expressly excluded, would be attracted. But this is not what Section 29 (2) of the Limitation Act says, because it provides that Sections 4 to 24 (inclusive) shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law. If none of them are excluded, all of them would become applicable. Whether those Sections are applicable is not determined by the terms of those Sections, but by their applicability or inapplicability to the proceedings under the special or local law. A person who is a minor or is insane or is an idiot cannot file an election petition to challenge an election, nor is there any provision

in the Act for legal representation of an election petitioner or respondent in that petition who dies, in order to make Section 16 of the Limitation Act applicable. The applicability of these provisions has, therefore, to be judged not from the terms of the Limitation Act but by the provisions of the Act relating to the filing of election petitions and their trial to ascertain whether it is a complete code in itself which does not admit of the application of any of the provisions of the Limitation Act mentioned in Section 29(2) of that Act.

20. It is also significant that delay in the presentation of the election petition under the repealed Section 81 could be condoned by the Election Commission in its discretion under the proviso to the repealed Section 85 of the Act. But there was nothing in Section 85 which permitted the Election Commission to condone the non-compliance with the provisions of Section 117 of the Act. When the Act was amended and the jurisdiction was given to the High Court to entertain and try election petitions, a provision similar to the proviso for condoning delay was not enacted. This omission definitely expresses Parliament's intention not to confer the power to condone any delay in the presentation of the petition. The whole object of the amendment in 1966 was to provide a procedure for a more expeditious method of disposal of election disputes, which experience had shown had become dilatory under the former procedure where election trials were not concluded even after five years when the next elections were held, notwithstanding the fact that every petition was enjoined to be tried as expeditiously as possible and endeavour was required to be made to conclude the trial within six months from the date on which the election petition was presented to the High Court for trial."

(emphasis supplied)

23. For the reasons noted above, the Limitation Act per se does not apply to proceedings under the Act. Further, the Act is a complete Code providing for singular consequence in filing belated Election Petition. Further, in absence of any other fact shown to the Court as may allow for any deliberation to arise, I find no useful purpose in avoiding the consequence of dismissal to visit the election-petitioners-by issuance of notice to the respondent. Already two years (of the term of five years), are over."

4. On that reasoning, that election petition was dismissed as barred by limitation. To that extent, the delay condonation application filed along with the petition is misconceived. It is accordingly rejected as not maintainable. The election petition fails and is accordingly **dismissed**.

5. As to the claim of the election petitioner that he had filed an election petition within time through electronic mode, thrice on 30.05.2024, 29.06.2024 and 27.07.2024, no discussion is required to be made with respect to those filings, if any, in this order. Those filings, if made are not before the Court. At present, those are not shown to have been registered, either. This proceeding has not been registered on any of those filings. It is a physically filed proceeding first received for registration with delay of 19 days. Suffice to note, in the context of the statutory proceedings that arise by way of election petition, it is not for the Court (in these proceedings), to make any observation with respect to any other filing claimed by the petitioner as that is not shown to have been registered.

Order Date :- 18.10.2024 SA

Sd/-

(S.D. Singh, J.)